

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ELECTRONIC SCRIPTING PRODUCTS, INC.,

Plaintiff,

v.

GREEN FAMILY ENTERTAINMENT LLC  
D/B/A MONSTER MINI GOLF BELLEVUE

Defendant.

Civil Action No.

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY DEMAND

**1. COMPLAINT FOR PATENT INFRINGEMENT**

2. COMES NOW, Plaintiff ELECTRONIC SCRIPTING PRODUCTS, INC. (“ESPi”) or its Complaint against Defendant GREEN FAMILY ENTERTAINMENT LLC D/B/A MONSTER MINI GOLF BELLEVUE (“MONSTER BELLEVUE”), alleges as follows:

**THE PARTIES**

1. Plaintiff Electronic Scripting Products, Inc. (“ESPi”) is a company organized under the laws of the State of Delaware, having its principal place of business located at 446 Old

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1 County Road, Suite 201, Pacifica, CA 94044 and mailing address at 555 Bryant Street #142, Palo  
2 Alto, CA 95301.

3 2. On information and belief, Green Family Entertainment LLC owns and operates  
4 MONSTER MINI GOLF BELLEVUE located at 4080 Factoria Square Mall Southeast,  
5 Bellevue, Washington 98006, which offers various virtual reality games.

### 6 JURISDICTION AND VENUE

7 3. This is an action for patent infringement in violation of the Patent Act of the  
8 United States, 35 U.S.C. §§ 1 *et seq.*

9 4. This Court has original and exclusive subject matter jurisdiction over the patent  
10 infringement claims for relief under 28 U.S.C. §§ 1331 and 1338(a).

11 5. This Court has personal jurisdiction over MONSTER BELLEVUE because it  
12 maintains a regular and established place of business in this District. On information and belief,  
13 MONSTER BELLEVUE has transacted and is continuing to transact business in this District that  
14 includes, but is not limited to, committing acts of patent infringement giving rise to this action by  
15 use and sale of products and systems that practice the subject matter claimed in the patent  
16 involved in this action.

17 6. Venue is proper in this district under 28 U.S.C. § 1400(b) because MONSTER  
18 BELLEVUE has a regular and established place of business in this District. Upon information  
19 and belief, MONSTER BELLEVUE has committed acts of infringement in this district.

### 20 FACTS

21 7. On January 5, 2016, United States Patent No. 9,229,540 B2 entitled “Derviving  
22 Input From Six Degrees Of Freedom Interfaces” was duly and legally issued. A true and correct  
23 copy of United States Patent No. 9,229,540 B2 (“the ’540 Patent”) is attached hereto as Exhibit  
24 A and incorporated herein by this reference.

25 8. Plaintiff is the assignee of the entire right, title and interest in and to the ’540  
26 Patent, including all rights to enforce the ’540 Patent and to recover for infringement.

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1           9.       Claim 1 of the '540 Patent claims:

2               1. An interface for producing an input from an absolute pose of an item associated  
3 with a user in a three-dimensional environment, said interface comprising:

4               a) a unit on-board said item, said unit configured to receive non-collinear optical  
5 inputs presented by at least one stationary object in said three-dimensional  
6 environment, said at least one stationary object having at least one feature detectable  
7 via an electromagnetic radiation, said at least one feature presenting a sufficient  
8 number of said non-collinear optical inputs for establishing a stable frame in said  
9 three-dimensional environment;

10              b) processing electronics employing a computer vision algorithm using a  
11 homography to recover said absolute pose of said item from a geometrical description  
12 of said non-collinear optical inputs in terms of absolute pose parameters in said stable  
13 frame and to generate a signal related to at least one of said absolute pose parameters;

14              c) an application employing said signal in said input, wherein said absolute pose  
15 of said item comprises at least three translational degrees of freedom and at least three  
16 rotational degrees of freedom, said at least one absolute pose parameter is related to at  
17 least one among said at least three translational degrees of freedom and said at least  
18 three rotational degrees of freedom by a mapping and at least one aspect of said  
19 application varies with said absolute pose of said item.

20           10.       On information and belief, MONSTER BELLEVUE infringes Claim 1 of the '540  
21 Patent by using and offering for a fee games and experiences that use virtual reality. MONSTER  
22 BELLEVUE infringes each element of Claim 1 as follows:

“An interface for producing an input from an absolute pose of an item associated with a user in a three-dimensional environment, said interface comprising:” – To the extent that the preamble is included in the infringement analysis, MONSTER BELLEVUE uses an interface for producing an input from an absolute pose of an item, in this case a Virtual Reality Headset (VR HDM). The VR HMD is a wearable item, namely a piece of headgear such as HP Reverb, HTC Vive or other VR HMD that is associated with a user in a three-dimensional environment and these VR HMDs use interfaces through MS Mixed Reality platform and tools; Valve SteamVR platform and tools; OpenXR tools; WebXR Device API; and other analogous 3D Virtual Reality Interface platforms and tools.

### VR GALLERY



**WHAT MAKES MONSTER MINI GOLF IN BELLEVUE'S VIRTUAL REALITY ARCADE UNIQUE?**

Monster Mini Golf in Bellevue is where you want to be because we are the only location in the entire state of Washington offering Asphalt 9 VR! Our indoor facility is the perfect escape from the rain as you challenge friends and family to a friendly game of glow-in-the-dark mini golf with frights around every corner.

Afterward, you can explore our arcade, which offers unique VR challenges, such as racing in Asphalt 9 VR or having an epic adventure with Virtual Rabbids.

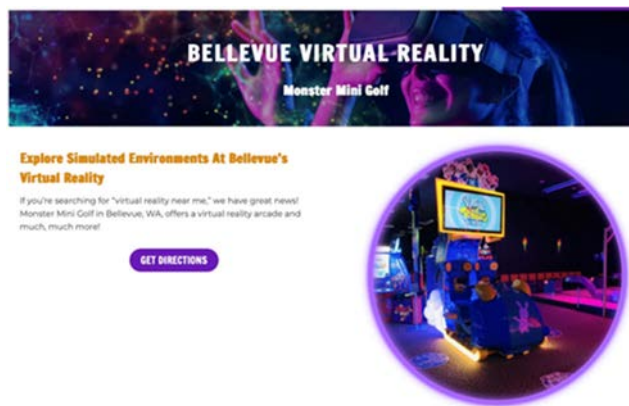
Our spooktacular location also offers more activities, so you can keep the fun going for as long as you'd like!



Asphalt 9 Legends VR | Premium Virtual Reality Racing Simulator

1  
2 “a) a unit on-board said item, said unit configured to receive non-collinear optical  
3 inputs presented by at least one stationary object in said three-dimensional environment,  
4 said at least one stationary object having at least one feature detectable via an  
5 electromagnetic radiation, said at least one feature presenting a sufficient number of said  
6 non-collinear optical inputs for establishing a stable frame in said three-dimensional  
7 environment” -- MONSTER BELLEVUE uses a unit on-board the item (i.e., a unit on-  
8 board the VR HMD), where this unit is the on-board camera(s) that receive non-collinear  
9 optical inputs.

10 The non-collinear optical inputs are presented by at least one stationary object in  
11 the three-dimensional environment, in other words, it uses a tracked environment that  
12 “lock” virtual content to the physical location in the three-dimensional environment. The  
13 at least one stationary object having at least one feature detectable via an electromagnetic  
14 radiation and having sufficient number of non-collinear optical inputs for establishing a  
15 stable frame in the three-dimensional environment. Here MONSTER BELLEVUE uses  
16 stationary objects in the environment that include lighted and unlighted objects. Stable  
17 frame is obtained from frames at framerate of cameras in VR HMD.



1 MONSTER BELLEVUE uses electromagnetic radiation, since the VR HMD  
2 camera(s) are subject to occlusions and blurring of features detectable by electromagnetic  
3 radiation while frames track the environment.

4 “b) processing electronics employing a computer vision algorithm using a  
5 homography to recover said absolute pose of said item from a geometrical description of  
6 said non-collinear optical inputs in terms of absolute pose parameters in said stable frame  
7 and to generate a signal related to at least one of said absolute pose parameters” --  
8 MONSTER BELLEVUE uses electronics employing a computer vision algorithm using a  
9 homography (homography aka projective or perspective transformation) to recover the  
10 absolute pose of the item or HMD from viewer perspective.

11 The homography is based on a geometrical description of the non-collinear  
12 optical inputs in terms of absolute pose parameters in the stable frame, which is the  
13 XRReferenceSpace - i.e., the geometrical description using coordinates and to generate a  
14 signal related to at least one of the absolute pose parameters.

15 Here signal is related to position and orientation (full pose) or all absolute pose  
16 parameters.

17 “c) an application employing said signal in said input, wherein said absolute pose  
18 of said item comprises at least three translational degrees of freedom and at least three  
19 rotational degrees of freedom, said at least one absolute pose parameter is related to at  
20 least one among said at least three translational degrees of freedom and said at least three  
21 rotational degrees of freedom by a mapping and at least one aspect of said application  
22 varies with said absolute pose of said item.” -- MONSTER BELLEVUE uses an  
23 application employing the signal (all absolute pose parameters) of the item (VR HMD)  
24 including at least three translational degrees of freedom and at least three rotational  
25 degrees of freedom in order to provide VR you can wear with immersive virtual reality  
26 attraction.

And they map all the degrees of freedom to at least one aspect of the application, such as navigating in three-dimensional space for full immersive content of the virtual reality attraction such as an experience or a game.

## VR GALLERY



Asphalt 9 Legends VR | Premium Virtual Reality Racing Simulator

11. Similarly, MONSTER BELLEVUE infringes Claims 2, 11-19, 25, 32, 33, 34, 36, 37, 39, 40, and 44-49 of the '540 Patent.

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**FIRST CLAIM FOR RELIEF**

**(Direct Infringement of the '540 Patent in Violation of 35 U.S.C. § 271(a))**

12. ESpI refers to and incorporates herein by reference paragraphs 1-12

13. The '540 Patent is valid and enforceable.

14. MONSTER BELLEVUE has infringed and continues to infringe at least Claims 2, 11-19, 25, 32, 33, 34, 36, 37, 39, 40, and 44-49 of the '540 Patent under 35 U.S.C. 271(a), either literally or under the Doctrine of Equivalents, by making, using, selling or offering to sell the Accused Products.

15. MONSTER BELLEVUE has had knowledge and notice of the '540 Patent, as well as of its own infringement of the '540 Patent, since at least the date of the filing of this Complaint.

16. ESpI has been and continues to be damaged by MONSTER BELLEVUE's infringement of the '540 Patent.

17. MONSTER BELLEVUE's infringement of the '540 Patent has been and continues to be willful.

**SECOND CLAIM FOR RELIEF**

**(Inducing Infringement of the '641 Patent, in Violation of 35 U.S.C. § 271(b))**

18. ESpI refers to and incorporates herein by reference paragraphs 1-55.

19. MONSTER BELLEVUE is also liable for indirect infringement under 35 U.S.C. §271(b), because MONSTER BELLEVUE knowingly induced and continues to induce the direct infringement of one or more of the Claims by end-users and other third parties (i.e. wholesalers, retailers, customers and end users) in the United States.

20. Said-users and other third parties have directly infringed at least Claims 2, 11-19, 25, 32, 33, 34, 36, 37, 39, 40, and 44-49 of the '540 Patent by using or operating the Accused Products, in the manner for which such Accused Products were and are designed and marketed;

1 that is when the Accused Products are used as MONSTER BELLEVUE intends them to be used,  
2 the user and the act of usage thereof necessarily directly infringe the '540 Patent.

3 21. MONSTER BELLEVUE knowingly took active steps to induce end-users and  
4 other third parties in the United States to engage in direct infringement of the '540 Patent since  
5 MONSTER BELLEVUE knew that when the Accused Products are used for their intended  
6 purpose by third parties and end users, such third parties and users directly infringe the claims of  
7 the '540 Patent. For example, to induce such third parties' and users' infringement, MONSTER  
8 BELLEVUE, on information and belief, provided, sold, or promoted the Accused Products to  
9 end-users or other third parties along with specific instructions or training regarding the use of  
10 those products, which instructions or training actively induced said end-users and other third  
11 parties to practice one or more of the Claims and said instructions or training caused direct  
12 infringement of such Claims.

13 22. MONSTER BELLEVUE possessed the specific intent to induce direct  
14 infringement of the Claims by end-users and other third parties which intent was manifested,  
15 inter alia, by its instructions and/or training for using the Accused Products to end users and third  
16 parties, and sale of the Accused Products to end users and third parties, and its knowledge of the  
17 '540 Patent and its knowledge that any use of the Accused Products by end-users and other third  
18 parties would necessarily directly infringe one or more of the claims of the '540 Patent.

19 23. MONSTER BELLEVUE knew or should have known that testing, demonstrating,  
20 marketing, making, using, offering to sell, selling, and/or importing the Accused Products  
21 constituted infringement of one or more of the claims of the '540 Patent, based on, among other  
22 things, the reasons alleged in the foregoing paragraph.

23 24. By reason of the acts of MONSTER BELLEVUE alleged herein, ESPi has  
24 suffered damage in an amount to be proved at trial.

**PRAYER FOR RELIEF**

WHEREFORE, ESPi prays for relief as follows:

A. Judgment that MONSTER BELLEVUE has directly infringed, and induced others to infringe, the '559 Patent either literally and/or under the doctrine of equivalents;

B. Judgment that MONSTER BELLEVUE has directly infringed, and induced others to infringe, the '641 Patent either literally and/or under the doctrine of equivalents;

C. Judgment that MONSTER BELLEVUE has directly infringed, and induced others to infringe, the '540 Patent either literally and/or under the doctrine of equivalents;

D. Judgment awarding ESPi general and/or specific damages, including a reasonable royalty and/or lost profits, in amounts to be fixed by the Court in accordance with proof, including enhanced and/or exemplary damages, as appropriate, as well as all of MONSTER BELLEVUE's profits or gains of any kind from its acts of patent infringement.

E. Judgment awarding ESPi all of its costs, including its attorneys' fees, incurred in prosecuting this action, including, without limitation, pursuant to 35 U.S.C. § 285 and other applicable law;

F. Judgment awarding ESPi pre-judgment and post-judgment interest; and

G. Judgment awarding ESPi such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), ESPi hereby demands a trial by jury on all issues triable to a jury.

Dated: January 10, 2025

Respectfully submitted,

BANIE & ISHIMOTO LLP

By: /s/ John A. Lee, WSBA No. 35,550

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